

## Environmental Protection Agency

## § 52.236

- (4) El Dorado County APCD.
- (5) Imperial County APCD.
- (6) Kern County APCD.
- (7) Kings County APCD.
- (8) Los Angeles County APCD.
- (9) Mariposa County APCD.
- (10) Monterey Bay Unified APCD.
- (11) Nevada County APCD.
- (12) Placer County APCD.
- (13) Plumas County APCD.
- (14) San Bernardino County Desert APCD.
- (15) San Diego County APCD.
- (16) San Joaquin County APCD.
- (17) San Luis Obispo County APCD.
- (18) Santa Barbara County APCD.
- (19) Sierra County APCD.
- (20) South Coast AQMD.
- (21) Stanislaus County APCD.
- (22) Tulare County APCD.
- (23) Ventura County APCD.

[37 FR 10850, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.234, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### § 52.235 Control strategy for ozone: Oxides of nitrogen.

EPA is approving an exemption request submitted by the Monterey Bay Unified Air Pollution Control District on April 26, 1994 for the Monterey Bay ozone nonattainment area from the NO<sub>x</sub> RACT requirements contained in section 182(f) of the Clean Air Act. This approval exempts the area from implementing the oxides of nitrogen (NO<sub>x</sub>) requirements for reasonably available control technology (RACT), new source review (NSR), the related requirements of general and transportation conformity regulations, and applicable inspection and maintenance (I/M). The exemption is based on ambient air monitoring data and lasts for only as long as the area's monitoring efforts continue to demonstrate attainment without NO<sub>x</sub> reductions from major stationary sources.

[60 FR 20237, Apr. 25, 1995]

### § 52.236 Rules and regulations.

(a) Since the following Air Pollution Control District (APCD) rules do not define the term "agricultural operations," the rules are disapproved be-

cause they could render certain emission limitations rules unenforceable.

(1) Imperial County APCD.  
(i) Rule 114.5, submitted on November 10, 1976.

(ii) Rule 148.D(3), submitted on November 10, 1976.

(b) The following Air Pollution Control District (APCD) rules are disapproved because they contain the term "agricultural operations" and/or the term "other equipment in agricultural operations," both of which are either undefined or inadequately defined, thus rendering certain emission control rules unenforceable:

(1) San Luis Obispo County APCD.  
(i) Rules 401(B)(4) and 401(B)(6), submitted on November 10, 1976.

(2) Sacramento County APCD.  
(i) Rule 7(b)(5), submitted on November 4, 1977.

(3) Glenn County APCD.  
(i) Section 77(e), submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).

(4) Mariposa County APCD.  
(i) Rule 203(G), submitted on June 6, 1977.

(5) Kern County APCD.  
(i) Rules 402(c) and 402(e), submitted on; November 10, 1976.

(6) Fresno County APCD.  
(i) Rules 402(c) and 402(e), submitted on October 23, 1974.

(ii) Rules 402(c) and 402(e), submitted on June 30, 1972, and previously approved under 40 CFR 52.223 (37 FR 19812).

(7) Tulare County APCD.  
(i) Section 402(c), submitted on November 10, 1976, and previously approved under 40 CFR 52.223 (42 FR 47556).

(8) Madera County APCD.  
(i) Rules 402(c) and 402(e), submitted on January 10, 1975, and previously approved under 40 CFR 52.223 (42 FR 42219).

(9) Amador County APCD.  
(i) Rules 203(G), submitted on October 15, 1979, and 205(G), submitted on June 30, 1972.

(c) Since the following Air Pollution Control Districts have deleted definitions which could allow a relaxation of emission limitations, the deletions are disapproved:

(1) Merced County APCD.

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(i) Rule 102(hh), submitted on June 30, 1972, previously approved under 40 CFR 52.223, and deleted by the August 2, 1976 submittal, is retained.

(2) El Dorado County APCD.

(i) Rule 102(LL), submitted on November 4, 1977, previously approved at 43 FR 51632, and deleted by the May 23, 1979 submittal, is retained.

(d) The following rules or portions of rules are disapproved since they contain provisions which are inconsistent with 40 CFR part 58, Ambient Air Quality Surveillance.

(1) Lake County APCD.

(i) Section 224, *Equivalent Method*, and Table V, *Table of Standards, Applicable Statewide*, submitted on February 10, 1977.

(ii) Table V, *Concentrations and Methods*, submitted on January 2, 1979, and Table V, submitted on February 10, 1976 and previously approved at 42 FR 42224.

(e) Since the following air pollution control districts have revised definitions so as to render the associated emission control requirements less stringent without a control strategy demonstration, the revisions are disapproved.

(1) Mendocino County APCD.

(i) Rule 130(p4), submitted on November 10, 1976. (Part III–49, previously submitted on February 21, 1972, and approved in 40 CFR 52.223, is retained).

(ii) Rule 130(s3), submitted on November 10, 1976. (Part III–55, previously submitted on February 21, 1972, and approved in 40 CFR 52.233, is retained).

(2) Shasta County APCD.

(i) The definition of “modification” in Rule 1:2, *Definitions*, submitted on October 13, 1977, is disapproved.

(3) San Bernardino County Desert APCD.

(i) Rule 103, *Definition of Terms*, submitted on November 4, 1977, is disapproved with respect to the deletion of the following terms: “Distilling type heater”, “Noncomplying orchard heater”, “Pipe line systems”, and “Return stack heater”. (Rule 2, *Definitions*, submitted on February 21, 1972 and approved in 40 CFR 52.223, is retained for the above terms.)

(4) Southeast Desert Intrastate Region.

(i) San Bernardino County Desert APCD.

(A) Rule 102, *Definition of Terms*, submitted November 4, 1977 is disapproved with respect to the deletion of the following terms: Distilling type heater, Non-complying orchard heater, Pipe line systems, and Return stack heater. Rule 2, *Definitions*, submitted February 21, 1972 and approved in 40 CFR 52.223, is retained for the above terms.

(f) The following APCD rules are disapproved because they exempt some portions of the districts from the existing air pollution control regulations without setting forth substitute rules for the exempted areas.

(1) El Dorado County APCD.

(i) Rule 201, submitted on November 4, 1977, is disapproved. (The previously approved Rule 49, submitted on June 30, 1972, is retained for Federal enforcement purposes.)

(g) The following Air Pollution Control District (APCD) rules are disapproved pursuant to section 110(a)(2)(K) of the Clean Air Act because they could allow recovery of legal expenses associated with permit enforcement actions.

(1) Monterey Bay Unified APCD.

(i) Rule 300 (i)(1), *Permit Fee*, submitted on December 17, 1979.

(2) El Dorado County APCD.

(i) Rule 104, submitted on May 23, 1979.

[42 FR 39664, Aug. 5, 1977]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.236, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### § 52.237 Part D disapproval.

(a) The following portions of the California SIP are disapproved because they do not meet the requirements of Part D of the Clean Air Act.

(1) The ozone and CO attainment demonstrations for the South Coast Air Basin. No major stationary source, or major modification of a stationary source, of carbon monoxide or volatile organic compounds may be constructed in the South Coast Air Basin unless the construction permit application is complete on or before August 30, 1988.

(2) The ozone attainment demonstration for Ventura County. No major stationary source, or major modification